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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.No. 150/2006

PETITIONER Basantu Dubey, S/o Late Shri S.N. Dubey, Aged about 55 years, Occupation Service, Resident of Vishrampur, Tahsil Surajpur, District Surguja (C.G.)

Versus

RESPONDENTS

1 South Eastern Coalfields Ltd., Through Chairman-cum-Managing Director, Seepat Road, Basant Vihar, Bilaspur (C.G.)

2 The Director Personnel, S.E.C.L. Seepat Road, Basant Vihar, Bilaspur (C.G.)

3 The Chief General Manager, Vishrampur Area, Tahsil Surajpur, District Surguja (C.G.)

4 The Colliery Manager, Vishrampur Area, Tehsil Surajpur, District Surguja (C.G.)

5 The Deputy Chief Personnel Manager, Vishrampur Area, Tahsil Surajpur, District Surguja (C.G.)

6 The Sub Area Manager, S.E.C.L. OCM Vishrampur, Tahsil Surajpur, District Surguja (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Appearance:

Shri A.K. Shukla and Shri O.P. Yadav, counsel for the petitioner.

Shri Vinod Deshmukh, Counsel for the respondents.

ORAL ORDER
(12.12.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of over man in SECL Vishrampur Area, has filed this writ petition for correction of date of birth in his service records. It is contended

by the petitioner that his correct date of birth is 15/7/1955, but it has been mentioned wrongly as 15/7/1950 in the service records.

Learned counsel for the petitioner submit that when this fact came into the knowledge of the petitioner, he made every effort for its correction, but the correction was not made by the concerned authority of the petitioner, therefore, the petitioner had to file this petition. They pray for a direction to correct the date of birth of the petitioner.

Learned counsel for the respondents while denying the contentions of the petitioner has contended that on the basis of information and declaration given by the petitioner, the date of birth of the petitioner has been mentioned as 15/7/1950 and the petitioner is not entitled for its correction after such a long period.

Both the counsel agree that there is a provision in Implementation Instruction No.76 (hereinafter referred to as I.I. No.76) for correction of date of birth of employees of SECL. There is specific provision regarding correction of date of birth relating to the existing employees.

Admittedly, the petitioner is still working as an existing employee and the provisions of I.I. 76 would be applicable in his case and accordingly, his matter can be referred to the age determination committee as per the aforesaid provision of I.I. No.76.

Accordingly, this petition is allowed.

It is directed that the respondents shall refer the case of the petitioner to the age determination committee within a period of 3 weeks from today and the committee shall determine the age of the petitioner within a period of 3 months from the date of receiving communication from the respondents and shall submit its report to the concerned respondents, who shall communicate the same to the petitioner also.

With the aforesaid observations/directions, this petition stands disposed of. No order as to cost.

Sd/-
Sunil Kumar Sinha
Judge

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